IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.1600 OF 2005

IN

FIRST APPEAL STAMP NO.8184 OF 2003

M/s.Datta Food Processors : Applicants.

versus

Chandrakant Bapu Magdum & ors. : Respondents.

Mr.Sachin Manale for the applicants.

Mr.Tejpal Ingale for the respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 10th June 2005.

ORAL ORDER

1. Heard advocates for the applicants/appellants and the respondents. Counsel for the appellants has made a statement that the appellants company has deposited Rs.50,000/- as directed by this court by order

dated 8th April 2005. Counsel for the appellant states that his appeal is under Section 30 Sub clause (1)(aa) of the Workmen's Compensation Act and, therefore, according to him, proviso to section 30 the appellant about deposit of entire amount does not apply to him. He has relied upon the judgment of the Karnataka High Court in that regard reported in 1992 (1) LLJ 61. Counsel for the appellant states that he is only challenging the order about the penalty and interest. Therefore stay will be in respect of recovering the penalty and interest only. Put up the appeal for admission after two weeks. Civil application is disposed of. The respondent/workmen will be entitled to withdraw Rs.50,000/- deposited in the court against security bond.

[D.G.DESHPANDE]

10/06/2005 JUDGE.